



182

Docket No. 75723-ZA/JPW/GJG/CS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Baltimore et al.
Serial No.: 10/037,341 Examiner: C. Hibbert
Filed : January 4, 2002 Group Art Unit: 1636
For : NUCLEAR FACTORS ASSOCIATED WITH TRANSCRIPTIONAL
REGULATION

30 Rockefeller Plaza
20th Floor
New York, New York 10112
February 23, 2009

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, Applicants direct the Examiner's attention to the following disclosures, which are also listed on the attached substitute Form PTO-1449 (**Exhibit A**).

The subject application is a continuation under 35 U.S.C. § 120 of U.S. Application No. 08/464,364, filed June 5, 1995, now U.S. Patent No. 6,410,516, issued June 25, 2002, now undergoing reexamination under Control Nos. 90/007,503 and 90/007,828 which have been previously disclosed and brought to the Examiner's attention in the subject application.

Applicants note that item 1 listed herein is part of the merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828. Items 2-3 listed herein are part of a concurrent litigation captioned *Amgen Inc., et al. v. ARIAD*

Applicants : David Baltimore et al.
Serial No. : 10/037,341
Filed : January 4, 2002
Page 2 of 3 of Supplemental Information Disclosure Statement

Pharmaceuticals, Inc., et al. The merged reexamination and the concurrent litigation proceedings involve U.S. Patent No. 6,410,516, which issued from a parent of the subject application.

All disclosures are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516 and its merged reexamination proceeding (*Ex Parte* Reexamination Control Nos. 90/007,503, filed April 4, 2005, and 90/007,828, filed December 2, 2005). Accordingly, copies of items 1-3 are not enclosed.

The Examiner is respectfully requested to make the items of record in the subject application by initialing and dating the attached substitute Form PTO-1449, and returning a copy of the initialed and dated form to Applicants' undersigned attorneys.

1. Advisory Action issued February 14, 2009 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828;
2. Brief of Plaintiffs/Counterclaim Defendants-Appellees Amgen Inc., et al., filed January 28, 2009 in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2009-1023; and
3. Reply Brief for Appellants, *ARIAD Pharmaceuticals, Inc., et al.*, filed February 17, 2009 in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2009-1023.

Applicants : David Baltimore et al.

Serial No. : 10/037,341

Filed : January 4, 2002

Page 3 of 3 of Supplemental Information Disclosure Statement

Item 1 was issued February 14, 2009 in connection with merged
Ex Parte Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 2-3 were previously disclosed as Exhibits 1-2 in
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed February
23, 2009, in connection with merged *Ex Parte* Reexamination
Control Nos. 90/007,503 and 90/007,828.

If a telephone interview would be of assistance in advancing
prosecution of the subject application, Applicants'
undersigned attorneys invite the Examiner to telephone them at
the number provided below.

No fee is deemed necessary in connection with filing this
Supplemental Information Disclosure Statement. However, if any
other fee is required, authorization is hereby given to charge
the additional amount of any such fee to Deposit Account No.
03-3125.

Respectfully submitted,

I hereby certify that this
correspondence is being deposited
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Reg. No. 39,992

Date

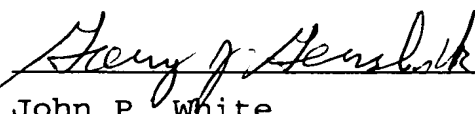

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EXHIBIT A

of Supplemental Information Disclosure Statement

Applicants: David Baltimore, et al.

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